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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

08 MAY 19 AM 10:20 '08 MJ 1559

Plaintiff,

Magistrate Docket No:
SOUTHERN DISTRICT OF CALIFORNIA

v.

COMPLAINT FOR VIOLATION OF:

DEPUTY

Rafeal MENDOLA-Estrada,

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

Defendant

The undersigned complainant, being duly sworn, states:

On or about **May 18, 2008** within the Southern District of California, defendant, **Rafeal MENDOLA-Estrada**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19th DAY OF MAY, 2008


Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Rafael MENDOLA-Estrada**PROBABLE CAUSE STATEMENT**

On May 18, 2008 at approximately 5:30 AM, Border Patrol Agent F. Martinez responded to a request in reference to a suspect heading north of the area known as "The 90's." This area is approximately five miles west of the San Ysidro, California Port of Entry and approximately four hundred yards north of the United States/ Mexico International Boundary Fence.

After arriving in the area, Agent Martinez walked eastbound along a brush line. After walking a few hundred yards, Agent Martinez came across an individual trying to conceal himself in thick brush. Agent Martinez identified himself as a United States Border Patrol Agent and questioned the individual as to his citizenship and nationality. This individual later identified as the defendant, **Rafael MENDOLA-Estrada**, freely admitted to being a citizen and national of Mexico, present in the United States illegally without any immigration documents to be in or remain legally. The defendant was arrested at approximately 5:45 AM and transported to the Imperial Beach Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on May 06, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

On May 18, 2008, the defendant was read his Miranda Rights and stated that he understood his Rights and was willing to answer our questions without an attorney present. The defendant admitted during the recorded sworn statement that he had been previously deported by an immigration judge and knew he was entering the United States illegally. The defendant again freely admitted to being a citizen and national of Mexico, and present in the United States illegally without proper immigration documents to be in or remain in the United States legally.